HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION No.14991 of 2007

Date: September 24, 2007

Between:
Sri Ramanjaneya Hamali Labour Contract,
Mutually Aided Co-operative Society Ltd.,. … Petitioner.

And

1. The Central Ware Housing Corporation,
   (A Govt. of India Undertaking)
   represented by its Regional Manager,
   Nampally, Hyderabad and another. … Respondents.

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ORDER:

The writ petition is filed for a writ of Mandamus declaring action of the first respondent in not finalizing the tenders submitted for the work of handling and transport of the food grain stocks at Karimnagar-II, godown of Central Warehousing Corporation, as illegal, arbitrary and consequently direct the respondent to award contract to the petitioner whose tender is the lowest and pass such other suitable orders.

2. A counter-affidavit is filed and in the counter-affidavit it was specifically stated that pursuant to the notification dated 21.5.2007 six tenderers, including the petitioner society, had submitted the tenders. The "Technical Bid" was opened in the presence of the tenderers or their authorized representatives. The tender evaluation committee consisting of four officials of the first respondent corporation at Regional Office, Hyderabad, met on 18.6.2007 and examined the "Technical Bids". The petitioner society had submitted experience certificate issued by M/s.Hanuman Industries indicating the value of the work carried

by the petitioner society as Rs.10.00 lakhs for the year 2002 and Rs.9.00 lakhs for the year 2003 and Rs.11.00 lakhs for the year 2004. The petitioner society had filed a statement of the Karimnagar Co-operative Urban Bank Ltd., showing the transactions from 28.3.2001 to 22.7.2005 and having credit balance of Rs.2,130/- only. The petitioner society had not submitted bank solvency. Inasmuch as the petitioner society was not having requisite experience and turn over and not having financial capacity as per the terms and conditions in the tender notification, the petitioner society was disqualified. Another tenderer was also disqualified in the technical bid for not possessing the requisite experience/turnover and financial capacity. The petitioner society and another tenderer were aware of the same and the earnest money deposited by them was also later returned. Other four tenderers were qualified in the technical bid and the Regional Tender Evaluation Committee recommended to open their "Price Bid" and it was opened on 25.6.2007 in the presence of the representatives of the four tenderers and after ascertaining financial capacity of these tenderers, the matter was forwarded to the corporate office of the first respondent corporation at New Delhi as the corporate office was competent to take final decision. The corporate office after examining the matter scrapped the tender enquiry, as none of the tenderers had complied with the instructions contained in clause 7 (a) of the tender conditions and directed the Regional Office to issue fresh notification. Accordingly a fresh notification was issued on 3.8.2007 inviting tenders. In pursuance of the said notification, six tenderers, including the petitioner society, had submitted tenders and further action has to be taken in pursuance of the said tenders. In view of the above the cause of action in the writ petition does not survive.

3. In the light of the specific stand taken in para 9 of the counter-affidavit inasmuch as the cause does not survive, the writ petition is accordingly closed. No costs.

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(P.S.NARAYANA, J.)

Date: September 24, 2007.
BSB